

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

RICHARD G. KIRBY,

Petitioner,

vs.

No. CIV 08-0887 JB/DJS

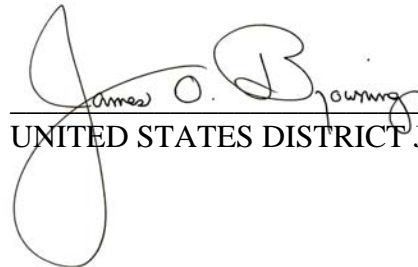
ATTORNEY GENERAL FOR THE  
STATE OF NEW MEXICO,

Respondent.

**FINAL JUDGMENT**

**THIS MATTER** comes before the Court on the Magistrate Judge's Proposed Findings and Recommended Disposition, filed November 4, 2010 (Doc. 46). After conducting a de novo review of the Magistrate Judge's report, Petitioner's Objections to the Magistrate Judge's Proposed Findings and Recommended Disposition, and Request for Leave to Expand the Record, filed November 18, 2010 (Doc. 47) ("Objections"), the record, and the relevant legal authorities, the Court: (i) overruled the Objections; (ii) denied Petitioner Richard G. Kirby's request to expand the record; (3) adopted the Magistrate Judge's Proposed Findings and Recommended Disposition; (4) dismissed with prejudice the Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody, filed September 29, 2008 (Doc. 1); and (v) dismissed without prejudice the Petition for Coram Nobis, filed December 28, 2009 (Doc. 33).

**IT IS ORDERED** that the above-numbered cause is dismissed and Judgment is entered in favor of Respondent.

  
UNITED STATES DISTRICT JUDGE

*Parties and Counsel:*

Richard G Kirby  
Tijeras, New Mexico

*Plaintiff pro se*

Gary King  
Attorney General for the State of New Mexico  
Margaret E. McLean  
Assistant Attorney General  
Santa Fe, New Mexico

*Attorneys for the Defendants*